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Congress of the United States

House of Representatives

Washington, DC 20515-3606

January 5, 2010

Major General Charles T. Cleveland
Commander, Special Operations Command Central
U.S. Central Command
715 South Boundary Boulevard
MacDill AFB, FL 33621-5101

Dear General Cleveland:

I received your letter of December 15, 2009, regarding the pending courts-martial of Petty Officers Huertas, McCabe and Keefe; and I appreciate your office's attempting to set the record straight and clarify what you describe as the "incomplete and factually inaccurate" press coverage of the situation. Having reviewed all of the material you provided, I still have to strongly disagree with the decision of your officers to pursue punishment of these Navy SEALs.

Almond Hashim Abed was one of the most wanted terrorists in Iraq, responsible for the murders of innocent American civilians and numerous attacks on American and coalition forces. The injuries to Mr. Abed were, as you readily admit, relatively minor and certainly pale in comparison to the brutality of the crimes he helped perpetrate. While Petty Officers Huertas, McCabe and Keefe may have been wrong to not fully cooperate with investigators, it seems to me that the punishment still far exceeds the crime. In my opinion, prosecutorial discretion should have been exercised.

Beyond the facts of the three individual seizures, I have some general concerns about this case that are only reinforced by your letter. First, the fact that fellow U.S. service personnel initially raised the accusations against Petty Officers Huertas, McCabe and Keefe strongly suggests that we have created a culture within our Armed Forces where our military personnel are now more concerned about protecting themselves from legal jeopardy for every action or statement than they are about fighting the enemy. Our troops and these SEALs need to be bold and decisive in combat; not hesitant and over-thinking every action for fear of prosecution. We are in a war that we must win against a determined, patient enemy who already believes we do not have the will to do what is necessary to defeat them.

Second, because of the intensive media coverage of this case – even if it is incomplete and factually inaccurate as you describe, this is the public's perception of the case – the American people are outraged by the courts-martial of individuals who should be hailed as heroes. In fact, over 30,000 Americans have signed my online petition calling for an end to this prosecution. Perhaps even more alarming than the decline in morale this case has caused the enemy is the boost in morale and confidence that this case gives to Al Qaeda terrorists, who as I said, already believe America does not have the will or stomach to do what is necessary to defeat them.

General Cleveland, you are a distinguished soldier and former Special Forces operator yourself. I have the utmost respect for you personally. In this case the American people's perception is that you are unfairly prosecuting three heroes based, at least in part, upon the word of an inhumane monster. Al Qaeda's own handbook instructs their operatives to allege detainee abuse if detained by American forces. In fact, al Qaeda operatives are